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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) VIXS005	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>05/02/2007</u> Signature <u>Diane Hudson</u> Typed or printed name <u>Diane Hudson</u>		Application Number <u>09/865,136</u>	Filed <u>05/24/2001</u>
		First Named Inventor <u>Laksono</u>	
		Art Unit <u>2623</u>	Examiner <u>Van Handel, Michael</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  This request is being filed with a notice of appeal.  The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/80) <input checked="" type="checkbox"/> attorney or agent of record. registration number <u>36,693</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>/Bruce E. Stuckman/reg no 36,693</u> Signature <u>Bruce E. Stuckman</u> Typed or printed name <u>512-241-8444</u> Telephone number <u>4/26/07</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Laksono  
Serial No: 09/865,136

Examiner: Michael Van Handel  
Art Group: 2623

Filing Date: 5/24/05

Docket No: VIXS 005

Title: METHOD AND APPARATUS FOR CHANNEL MIXING IN  
A MULTIMEDIA SYSTEM

Pre-Appeal Brief Request for Review

1. In the Office Action dated 3/7/2007, the Examiner rejected claims 1, 8, 16 and 21 under 35 USC § 102 (e) as being anticipated by Knowles (U.S. Patent No. 6,505,348); claims 28-36 under 35 USC § 102 (e) as being anticipated by Humpleman (U.S. Patent No. 6,005,861); claims 37, 44, 52 and 57 under 35 USC § 103 (a) as being unpatentable over Knowles (U.S. Patent No. 6,505,348 in view of Schupak (U.S. Patent No. 6,069,621); claims 1, 9, 15, 16, 22, 25, 27, 37, 45, 51, 52, 58, 61 and 63 under 35 USC § 103 (a) as being unpatentable over Chen (U.S. Patent No. EP 0952734 A2 in view of Mizutani (U.S. Patent No. 6,925,500); claims 2-5, 17, 18, 38-41, 53 and 54 under 35 USC § 103 (a) as being unpatentable over Chen (U.S. Patent No. EP 0952734 A2 in view of Mizutani (U.S. Patent No. 6,925,500) and further in view of Schupak (U.S. Patent No. 6,069,621); claims 10, 11, 23, 24, 46, 47, 59 and 60 under 35 USC § 103 (a) as being unpatentable over Chen (U.S. Patent No. EP 0952734 A2 in view of Mizutani (U.S. Patent No. 6,925,500) and further in view of Wang (U.S. Pub. No. 2001/0012121 A1). Applicant respectfully believe that there is a clear deficiency in the prima facie case in support of this rejection and requests review of the allowability of claims 1-63 pursuant to the Pre-Appeal Brief Pilot Program.

2. As discussed above, claim 1 was rejected as anticipated by Knowles. The applicant respectfully disagrees with the present rejection because at least one claim element is not met by this reference. Claim 1 includes the following:

processing data of the channel of interest based on type of channel to produce generic data;

In rejecting claim 1, the Examiner refers to the MPEG decoder elements 14-16 as including this feature. In particular, the Examiner cites the following description from Knowles,

The data stream is fed to the three tuners 11-13 and the output of each tuner is decoded by the MPEG decoders 14-16.

However, Knowles does not process data of a channel of interest based on the type of channel to produce generic data. As the Examiner acknowledges, the MPEG decoders elements 14-16 of Knowles can only process one type of channel, an MPEG encoded channel and can only process this type of channel in one way, by MPEG decoding. These MPEG decoders cannot process the channel of interest based on the type of channel, as set forth in claim 1. The Examiner instead asserts that Knowles nevertheless meets the limitation of processing data of a channel of interest based on the type of channel to produce generic data. However, to do so, places no meaning on the claim language "based on the type of channel". Applicant respectfully submits that this claim language is not met by the system of Knowles.

For this reason, claim 1, and claims 2-15 that depend therefrom are believed to be patentably distinct from the prior art. For similar reasons, applicant believes that claims 16, 37 and 52, and claims 17-27, 38-51 and 53-63 that depend therefrom are patentably distinct from the prior art.

3. Claims 1, 16, 37 and 52 were also rejected based on the combination of Chen and Mizutani. Like Knowles, Chen and Mizutani do not process data of a channel of interest based on the type of channel to produce generic data. In discussing the basis of this rejection, the Examiner admits that Chen lacks this feature and relies instead on the teaching of Mizutani. In particular, the Examiner points to demultiplexer 54 (and

apparently video and audio decoders 55 and 58) of Mizutani of Figure 2 as teaching that audio and video of an incoming MPEG signal are converted into PCM and NTSC signals. Like Knowles however, these MPEG decoders can only process one type of channel, an MPEG encoded channel (with combine audio and video) and can only process this type of channel in one way, by MPEG decoding. These MPEG decoders cannot process the channel of interest based on the type of channel, as set forth in claims 1, 16, 37 and 52.

For similar reasons as discussed above, applicant believes that claims 1, 16, 37 and 52, and claims 2-15, 17-27, 38-51 and 53-63 that depend therefrom are patentably distinct from the prior art.

4. As discussed above, claims 28 was rejected as being anticipated by Humpleman. Claim 28 recites:

data transcoding module operably coupled to convert the generic data of the at least one channel into a stream of data having a specific data format.

In setting forth the basis of this rejection, Examiner states that Humpleman teaches that the MPEG stream is parsed into a one-channel stream and is converted from the external network protocol to the home network protocol. Humpleman, by contrast does not disclose either transcoding, or a transcoding module as set forth in claim 28. While channel data may be converted from an external protocol to an internal protocol, protocol conversion does not alter the coding of the data or provide transcoding from one code to another.

In response, the Examiner cites a definition from [www.webopedia.com](http://www.webopedia.com). This definition appears to be a current reference, and does not provide evidence of the meaning as of the filing date of the present application. Further, Applicant asserts that transcoding is the process of converting a media file or object from one media format to another media format, e.g. from one video format to another video format, one audio format to another audio format, etc. Merely changing a transport protocol does not

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change the media format that encodes the data and does not, by itself, result in a transcoding as set forth in claim 28.

For this reason, claim 28, and claims 29-36 that depend therefrom are believed to be patentably distinct from the prior art.

5. For the foregoing reasons, the applicant believes that claims 1-63 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

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